

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : DENYER et al.
Appln. No. : 10/535,597
Conf. No.: : 7255
Filed: : May 19, 2005
Title: : IMPROVED INHALATION METHOD AND APPARATUS
Group Art Unit : 3771
Examiner : STUART, Colin W.
Docket No. : 011217US1

* * * *

February 22, 2010

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RESPONSE TO FINAL OFFICE ACTION

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1504
Sir:

In response to the December 22, 2009 Final Office Action, please consider the following remarks. Claims 1-27 were and remain pending. Reconsideration and allowance in view of the following remarks is earnestly solicited.

Indefiniteness Rejections

Claims 1-20 and 27 were rejected under 35 U.S.C. § 112, ¶ 2, as indefinite based on the asserted indefiniteness of independent claim 1. The Office Action asserts that:

In regards to claim 1, the claimed method steps are unclear because it is not known what disclosed structure present is being used to perform the claimed steps. Furthermore, it is not known whether the claimed method steps are performed by structure such as a controller/microprocessor or mentally by a doctor or other medical technician present.

12/22/09 Office Action, p. 2, ¶ 2. Applicants respectfully traverse this rejection because claim 1 does not and need not specify or limit what structure is being used to perform all of the claimed